

JUDGMENT

11 CIV 6974

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SEAN MANNARU

Plaintiff,

vs.

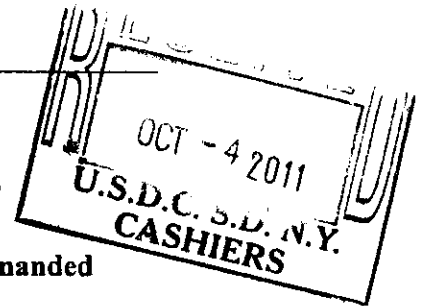
GC SERVICES, LP

Defendant.

Case No. _____

COMPLAINT

Jury Trial Demanded



NATURE OF ACTION

1. This is an action brought under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where the acts and transactions giving rise to Plaintiff's action occurred in this district, (where Plaintiff resides in this district), and/or where Defendant transacts business in this district.

PARTIES

4. Plaintiff, Sean Mannaru ("Plaintiff"), is a natural person who at all relevant times resided in the State of New York, County of New York, and City of Ozone Park.

5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).

6. Defendant, GC Services, LP (“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant.

10. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

11. In connection with collection of an alleged student loan debt, New York State Higher Education Services Corporation (“NY State Higher Ed”) listed a negative account on Plaintiff's credit report with the major credit bureau, Experian, a student debt on January 5, 2011 in the amount of nine thousand three hundred eighty dollars (\$9,380.00).

12. On March 18, 2011, Plaintiff made payment toward said debt in the amount of \$4,021.00 (four thousand twenty-one dollars).

13. Thereafter, Defendant sent Plaintiff written communication titled dated March 24, 2011 stating the total amount due was \$9,439.62 (nine thousand four hundred thirty-nine dollars and sixty-two cents).

14. Further, in its March 24, 2011 correspondence, Defendant claimed that \$1,406.50 (one thousand four hundred six dollars and fifty cents) of the total amount due was for "Collection Costs Projected," and amount not properly due and owing at the time Defendant demanded payment.

15. Defendant's actions constitute conduct highly offensive to a reasonable person.

COUNT I

16. Plaintiff repeats and re-alleges each and every allegation contained above.

17. Defendant violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;

- f) Awarding such other and further relief as the Court may deem just and proper.

TRIAL BY JURY

18. Plaintiff is entitled to and hereby demands a trial by jury.

This 20th day of Sept, 2011.

ATTORNEYS FOR PLAINTIFF
Sean Mannaru

Respectfully submitted,



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